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UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

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Your Excellency,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee Against Torture (CAT), I refer to the examination of the third periodic report of the Ecuador (CAT/C/39/Add.6), held on 11 and 14 November 2005. The Committee adopted its Conclusions and Recommendations (CAT/C/ECU/CO/3), in which it requested further comments by the Government of Ecuador in relation to the specific issues of concern listed in paragraphs 17, 22, 24, and 25.

On behalf of the Committee, allow me to thank you for your constructive response of (CAT/C/GBR/CO/4/Add.1, July 20, 2006) providing comments by Your Excellency's Government on those paragraphs. The additional comment provided has assisted the Committee in its ongoing analysis of the specific issues of concern in question. There remain issues where, in the Committee's view, the responses do not fully respond to the Committee's concerns, or in respect of which intervening events have rendered incomplete. Accordingly, on behalf of the Committee as Rapporteur for Follow-up, I would be grateful for the supplementary clarification of Your Excellency's Government on the following outstanding matters, in order to amplify the information available to the Committee in its analysis of the progress made regarding implementation of these aspects of the Convention.

S.E.M. Mauricio MONTALVO
Ambassador Extraordinary and Plenipotentiary
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The Committee is grateful for the information provided on the steps taken by the Government of Ecuador to address domestic violence and sexual offences. It would appreciate updated information on the number of such cases brought before the criminal courts, as well as detailed information on the outcomes of the 232 cases brought in 2003, the 422 cases brought in 2004, and of all other such cases brought since that time—how many complaints were received in 2003, 2004 and subsequent years; how many complaints were investigated; how many cases went to trial, and what were the outcomes of these trials; and what, if any, was the compensation offered to victims? Furthermore, while the Committee appreciates learning that, at the time of your correspondence, there had been no complaints regarding torture or ill-treatment of women, we would appreciate receiving information on the complaints procedure at the Office of the Ombudsman and clarification about its accessibility to vulnerable groups—is this mechanism advertised or otherwise made known?

On the issue of allegations of torture and mistreatment of sexual minorities, the Committee welcomes the measures taken by the Government of Ecuador to increase awareness of the right to freedom of sexual orientation. We would be grateful to receive updated information on the implementation of the Operational Plan on Sexual Diversity mentioned in your correspondence. We would also welcome information on the number of complaints of torture or ill-treatment made by persons identified as sexual minorities in recent years, as well as the number of investigations, trials, convictions, and the number of victims who received compensation, if any, as well as the types of compensation provided.

Regarding the issues of protection of indigenous peoples, the Committee appreciates learning that at the time of your correspondence, there had been no complaints or reports of torture from the 40 members of the Network of Indigenous Human Rights Defenders. We would however appreciate receiving information on the complaints procedure in place for the Department for the Protection of Rights of Indigenous Peoples, as well as the accessibility of this department to members of indigenous populations who may be at risk of torture or ill-treatment. Additionally, please provide the Committee with updated information on the number of complaints submitted, as well as how many complaints were investigated, went to trial, resulted in guilty convictions, and the number of victims who received compensation, if any, as well as the types of compensation provided.

The Committee welcomes the information provided about the proposed bill on human rights defenders that would provide effective counsel to anyone who cannot afford the services of a lawyer, with particular emphasis on vulnerable groups. We would be grateful to receive updated information on the status of adoption of this bill and the measures taken to ensure its effective implementation, as according to information before the Committee, human rights defenders continue to face threats and intimidation by government forces. Your clarification on this matter would be greatly appreciated. The Committee is equally pleased to learn of the Government of Ecuador's plans to adopt the Istanbul Protocol as mentioned in your letter—has the Protocol been adopted since your last correspondence with the Committee? If so, please provide the Committee with information on how it has been implemented. We are also pleased to learn of the Government's plans to establish an inter-agency committee that will design and implement positive prison policies and programs, to provide adequate living standards and to ensure the protection of human rights. The Committee would appreciate clarification whether this committee is yet operational, and if so, what policies is the committee empowered to implement and by what means.

With regard to the recommendation made in paragraphs 17 and 22, the Committee is grateful for the information provided on the various training programs implemented for police, judicial employees, as well as prison staff, including medical, psychiatric and psychological personnel. With regard to training for judges, magistrates, prosecutors and public defenders on "Constitutional Safeguards of Due Process" which resulted in the preparation of the Manual of Ecuadorian Criminal Procedure, the Committee would welcome information on how this manual is used in practice.

Thank you for the information provided on the extensive education project entitled "Mainstreaming human rights principles in the curricula of all education, training, and specialization facilities in the police education system and police training academies." We invite the State party to submit any further information on the impact of this training program, as well as its implementation—in particular, have the trainings in 2005 and 2006, mentioned in paragraphs 34-46 of your reply, affected the number of complaints of torture and ill-treatment by government officials? Also, has the draft national human rights plan for the armed forces been implemented as planned in December 2007?

Regarding the Committee's recommendation that Ecuador set up an inter-agency committee to draw up and implement training programs on human rights and the treatment of prisoners, we are pleased to learn that the State party initiated the process of establishing this body. We would welcome updated information on this process—what was the outcome of the discussions held between the Office of the Procurator-General and the human rights clinic of the Pontificia Catholic University of Ecuador, concerning an existing plan to set up an inter-agency committee?

The measures taken to create a budget for the Department of Social Rehabilitation, as recommended in paragraph 24 of the Concluding Observations, is noted with appreciation. With regard to the overturning of the criminal procedure of *detención en firme*, please provide the Committee with updated information on how this repeal has affected the problem of overcrowding in Ecuador's prisons. How many prisoners are currently detained and what is the capacity of Ecuador's prison system?

The Committee appreciates receiving information on the implementation of the HIV/AIDS/STD Prevention Project and the Tuberculosis Prevention Project. The Committee re-iterates its concern however that all those in detention should have access to medical exams, at their own request, carried out by independent qualified medical personnel. In this regard, can you clarify to the Committee the number of such medical personnel currently working in the Ecuadorian prison system, and the procedure by which detainees may request a medical examination?

Regarding the work of the sectoral subcommission on human rights in prisons, please provide the Committee with updated information on the number of human rights violations lodged by detainees that have been reported by this body. The Committee is pleased to learn of the many manuals drafted and distributed by the subcommission—are these still circulated regularly, and if so, who is the primary audience for such documents?

With respect to the recommendation in paragraph 25, and the existence of military and police courts, the Committee welcomes the information on the measures taken by the State party to ensure that ordinary courts fully exercise their competence, as provided for in transitional provision No. 26 of

the Constitution. Please provide the Committee with updated information on the status of the bills submitted to Congress by the National Judicial Council (para. 74) and the Ministry of Defense (para. 78). Please also provide the Committee with information on the measures taken to ensure the military and police courts only hear cases regarding violations committed in the course of specific duties—is there a body that oversees the military and police courts?

Upon receipt of additional information, the Committee will be able to assess whether further information may be required. We look forward to continuing this constructive dialogue with the Government of Ecuador on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest considerations.

A handwritten signature in cursive script, appearing to read "Felice Gaer".

Felice Gaer

Rapporteur for Follow-up on Conclusions and Recommendations
Committee against Torture